

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	AMENDED ORDER GRANTING MOTION
)	FOR RELEASE
vs.)	
)	
Sibashton Tre Holybear,)	Case No. 1:21-cr-235
)	
Defendant.)	

Defendant is in Marshals Service custody at the Stutsman County Correctional Center in Jamestown, North Dakota. On September 6, 2023, he filed a motion requesting to be released to either the North Dakota State Hospital (“State Hospital”) in Jamestown or the Prairie Recovery Center (“Prairie Recovery”) in Raleigh, North Dakota, for substance abuse treatment. (Doc. No. 243).

On September 6, 2023, the United States filed a response to Defendant’s motion. (Doc. No. 245). It stated, among other things, that it had no objection to Defendant’s release to Prairie Recovery provided that he could provide confirmation of his acceptance.

On September 8, 2023, the court issued an order in which it deferred ruling on Defendant’s motion as Prairie Recovery did not have bed space immediately available and Defendant’s placement at the State Hospital was contingent upon him successfully completing a review with the South Central Human Service Center. (Doc. No. 247).

On September 25, 2023, the court issued an order directing Defendant to supplement his motion to advise on the status of the South Central Human Service Center’s review and/or provide dates certain on which Prairie Recovery would have space for him. (Doc. No. 251).

On September 29, 2023, Defendant filed a supplement to his motion for release. (Doc. No. 254). He advises that Prairie Recovery now has a bed available for him as evinced by an attached acceptance letter from Prairie Recovery. He further advises that his parents can transport him to Prairie Recovery.

There being no objection from the United States to Defendant's release to Prairie Recovery, the court **GRANTS** Defendant's motion (Doc. No. 243). Defendant shall be released no earlier than 9:00 AM CDT on October 4, 2023, to his parents or other persons(s) approved by the Pretrial Services for immediate transport to Prairie Recovery. Defendant's release is subject to the following conditions:

- (1) Defendant shall not violate federal, state, tribal, or local law while on release.
- (2) Defendant shall appear in court as required and surrender for any sentence imposed.
- (3) Defendant shall refrain from the use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner, and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection process or specimen may be considered the same as a positive test.
- (4) Defendant shall report to the Pretrial Services Officer at such times and in such manner as designated by the Officer.
- (5) Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
- (6) Defendant shall not knowingly or intentionally have any direct or indirect contact

with witnesses or co-defendant, except that counsel for Defendant, or counsel's agent or authorized representative, may have such contact with such person(s) as is necessary in the furtherance of Defendant's legal defense.

- (7) Defendant shall reside at Prairie Recovery, fully participate in its programming, and comply with all of its rules and regulations.
- (8) Defendant must sign all release forms to allow the Pretrial Services Officer to obtain information from Prairie Recovery OR to communicate with Prairie Recovery staff about his progress in the program.

Any passes allowed by Prairie Recovery must be approved by the Pretrial Services Officer.

If for any reason Defendant is terminated from Prairie Recovery's treatment program, he must immediately report to the United States Marshal.

At least 96 hours prior to anticipated completion of the treatment program, Defendant must advise the Pretrial Services Officer of his anticipated completion date so the court may schedule a hearing to review his release status.

- (9) Defendant shall submit his person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of his release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.
- (10) Defendant must report as soon as possible, to the Pretrial Service Office or his supervising Pretrial Service Officer, every contact with law enforcement personnel,

including arrests, questioning, or traffic stops.

- (11) Upon arriving at Prairie Recovery, Defendant shall immediately contact Pretrial Services Officer Skylar Soupier at (701) 530-2416.

IT IS SO ORDERED.

Dated this 2nd day of October, 2023.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court